

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT  
FORM COMPLAINT FOR DAMAGES  
FOR INDIVIDUAL CLAIMS AND  
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Barry Tuttle

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2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:
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3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):
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4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Ohio

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5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Ohio

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6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Ohio

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1       7. District Court and Division in which venue would be proper absent direct filing:

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3                   United States District Court - Northern District of Ohio (Eastern) division

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4       8. Defendants (check Defendants against whom Complaint is made):

5                    C.R. Bard Inc.

6                    Bard Peripheral Vascular, Inc.

7       9. Basis of Jurisdiction:

8                    Diversity of Citizenship

9                    Other: \_\_\_\_\_

10      a. Other allegations of jurisdiction and venue not expressed in Master  
11                   Complaint:

12                   \_\_\_\_\_

13                   \_\_\_\_\_

14                   \_\_\_\_\_

15      10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a  
16                   claim (Check applicable Inferior Vena Cava Filter(s)):

17                    Recovery® Vena Cava Filter

18                    G2® Vena Cava Filter

19                    G2® Express Vena Cava Filter

20                    G2® X Vena Cava Filter

Eclipse® Vena Cava Filter

Meridian® Vena Cava Filter

- Denali® Vena Cava Filter

Other: \_\_\_\_\_

Date of Implantation as to each product:

November 15, 2007

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Counts in the Master Complaint brought by Plaintiff(s):

X Count I: Strict Products Liability – Manufacturing Defect

X Count II: Strict Products Liability – Information Defect (Failure to Warn)

X Count III: Strict Products Liability – Design Defect

X Count IV: Negligence - Design

X Count V: Negligence - Manufacture

Count VI: Negligence – Failure to Recall/Retrofit

X Count VII: Negligence – Failure to Warn

X Count VIII: Negligent Misrepresentation

X Count IX: Negligence *Per Se*

X Count X: Breach of Express Warranty

X Count XI: Breach of Implied Warranty

X Count XII: Fraudulent Misrepresentation

X Count XIII: Fraudulent Concealment

X Count XIV: Violations of Applicable \_\_\_\_\_ (insert state) Law  
Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

Count XV: Loss of Consortium

- Count XVI: Wrongful Death
  - Count XVII: Survival
  - Punitive Damages
  - Other(s): \_\_\_\_\_ (please state the facts supporting this Count in the space immediately below)

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13. Jury Trial demanded for all issues so triable?

X Yes

No

RESPECTFULLY SUBMITTED this 5<sup>th</sup> day of December, 2016.

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2                   **LAW OFFICES OF BEN C. MARTIN**  
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4                   By: /s/ Ben C. Martin  
5                   Ben C. Martin  
6                   3710 Rawlins Street, Suite 1230  
7                   Dallas, Texas 75219  
8                   214/761-6614 (Tel)  
9                   214/744-7590 (Fax)  
10                  *bmartin@bencmartin.com*

11                 COUNSEL FOR PLAINTIFF  
12

13                 **CERTIFICATE OF SERVICE**  
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15                 I hereby certify that on this 5<sup>th</sup> day of December, 2016, I electronically transmitted the  
16                 attached document to the Clerk's Office using the CM/ECF System for filing and transmittal  
17                 of a Notice of Electronic Filing.  
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19                 /s/ Ben C. Martin  
20                 Ben C. Martin